

“All of life is a journey; which paths we take, what we look back on, and what we look forward to is up to us. We determine our destination, what kind of road we will take to get there, and how happy we are when we get there.”

NOTICE OF THE TENTH REGULAR MEETING OF THE 2011-2012 COMMON COUNCIL AT 7:00 P.M., MONDAY, AUGUST 15, 2011, IN THE COUNCIL CHAMBERS OF CITY HALL.

AGENDA

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

PUBLIC FORUM

MAYOR'S ANNOUNCEMENTS

CONSENT AGENDA

10 - 1 - An R. O. by the Bd. of Contractors Examiners submitting applications for Building Contractor Licenses already granted.

10 - 2 - An R. O. by the Bd. of Electrical Examiners submitting electrical contractors licenses which have already be issued.

10 - 3 - An R. O. by the Chief of Police submitting his quarterly report showing activities of his department for the period commencing April 1, 2011 and ending June 30, 2011.

10 - 4 - An R. O. by the City Clerk granting various licenses.

- 10 - 5 - An R. O. by the City Clerk submitting an application for a private well permit from Memorial Medical Center, 2629 N. 7th St.
- 10 - 6 - An R. C. by Finance recommending filing document submitting an email from the Dep. Finance Director entitled, "WI Retirement Rates".
- 10 - 7 - An R. C. by the Sp. Com. on Risk Mgmt. recommending denying claim from Lawrence Frazier for alleged injuries when he fell on un-cleared snow in front of a house at 1416 Indiana Ave. and directing the City Atty. to send a Notice of Disallowance.
- 10 - 8 - An R. C. by the Sp. Com. on Risk Mgmt. recommending filing document submitting a Notice of Violation/Notice of Claim from the DNR stating regarding the Wastewater Treatment Plant related to land spreading of wastewater treatment sludge.
- 10 - 9 - An R. C. by the Sp. Com. on Risk Mgmt. recommending filing document submitting a claim from Afni Ins. Services for Mark Landgraf for alleged damages to his vehicle when a fire truck backed into his front bumper and paying the claim in the amount of \$1,393.16.
- 10 - 10 - An R. C. by the Sp. Com. on Risk Mgmt. recommending denying claim from AT&T for alleged damages to their buried telephone cable while the City was excavating for a water service and directing the City Atty. to send a Notice of Disallowance.
- 10 -11 - An R. C. by the Marina and Harbor Committee recommending approval of installation of a Surfing Sculpture at Deland Park conditioned upon the location and design be approved by the City staff.
- 10 - 12 - An R. C. by the Sp. Com. on Risk Mgmt. recommending denying claim from Lori Bubb for alleged injuries when she slipped and fell on ice on the corner of S. 8th St. and Pennsylvania Ave. and to direct the City Atty. to send a Notice of Disallowance.
- 10 - 13 - An R. C. by the Sp. Com. on Risk Mgmt. recommending denying claim from Lester Pierce for a bathroom light that isn't working due to road work in the area and to direct the City Atty. to send a Notice of Disallowance.

- 10 - 14 - An R. C. by Law and Licensing recommending granting various licenses.
- 10 - 15 - An R. C. by the Marina and Harbor Committee recommending filing document submitting the Harbor Centre Marina Balance Sheet from operations dated May 31, 2011, as submitted by Skipper Marine.
- 10 - 16 - An R. C. by the Sp. Com. on Risk Mgmt. recommending denying claim from Heather Bohman for alleged damages to her vehicle when she drove over a raised manhole which hit her transmission pan and directing the City Atty. to send a Notice of Disallowance.
- 10 - 17 - An R. C. by Pub. Prot. & Safety recommending filing document submitting a communication from Menhard Sonnemann questioning whether City representatives are going to nursing homes and asking that they use the Fire Dept. for non-emergency transports.
- 10 - 18 - An R. C. by Pub. Prot. & Safety recommending filing document submitting a communication from Donald Gore, M.D. requesting that the City paint white crosswalk lines at the north side of the junction of Clement Ave. and N. 3rd St.
- 10 - 19 - An R. C. by Law and Licensing recommending granting various licenses.
- 10 - 20 - An R. C. by Law and Licensing recommending granting various licenses.
- 10 - 21 - An R. C. by Finance recommending filing Res. No. 50-11-12 by Ald. Versey stating that the City will not bill the former Fire Battalion Chief or his family for a transfer from a Milwaukee hospital to a local hospice center.
- 10 - 22 - An R. C. by Finance recommending filing document submitting information on the bidding process to accomplish the necessary repairs to the marina building and what funds would be available to accomplish the repairs.

REPORTS OF OFFICERS II

10 - 23 - By the City Clerk submitting a communication from Fire Fighters Local 483 notifying the Finance Committee of their intent to pay the patient's responsibility portion of Battalion Chief Wildman's ambulance bill when he was transferred by the Fire Dept. ambulance from a Milwaukee hospital to a hospice care facility in Sheboygan Cty.

10 - 24 - By the Development Manager related to the Sheboygan Cty. Chamber of Commerce's decision to decline leasing strip of land adjacent to the Chamber offices and between the right-of-way line of S. 8th St. and the west property line of the Chamber property.

Lies Over to Sept. 6th:

10 - 25 - By the City Plan Commission recommending amending the zoning map of the Sheboygan Zoning Ordinance to establish the Use District Classification of recently annexed property located west of Taylor Dr. and north of Indiana Ave. (Gen. Ord. No. 18-11-12).

10 - 26 - By the City Plan Commission recommending amending the zoning map of the Sheboygan Zoning Ordinance to establish the Use District Classification of recently annexed property located south of Erie Ave. and west of North 28th St. (Gen. Ord. No. 19-11-12).

To Be Referred:

10 - 27 - By the Bd. of Water Commissioners submitting the preliminary 2012 Water Utility Budget figures. FINANCE

10 - 28 - By the City Atty. stating that the Town of Wilson is willing to annex the dog park parcel to the City of Sheboygan provided Town of Wilson residents continue to have access to the dog park consistent with current practices. BOARD OF PARKS AND FORESTRY and PUBLIC WORKS

10 - 29 - By the City Clerk submitting a communication from the Sheboygan Great Lakes Sports Fishermen's Club stating that since the water level has dropped, the emergency ladders are no longer accessible to anyone that may accidentally fall into the harbor and need a means of getting out of the water. PUBLIC WORKS

- 10 - 30 - By the City Clerk submitting a communication from the Town of Wilson Chairperson stating that the Town of Wilson encourages the City to be cautious in changing their structure for fire coverage. PUBLIC PROTECTION AND SAFETY
- 10 - 31 - By the City Clerk submitting a communication from Jackie DuPont charging that the Mayor should be removed from office by the Common Council for cause including inefficiency, neglect of duty and misconduct in office. COMMITTEE OF THE WHOLE
- 10 - 32 - By the City Clerk submitting a communication from Asher Heimermann asking that the Mayor be removed from office for various reasons. COMMITTEE OF THE WHOLE
- 10 - 33 - By the City Clerk submitting a communication from Marlene Reindl asking that the Mayor be removed from office and stating charges that he has cost the taxpayers undue burden, rendered himself incapable of fulfilling his duties and lying to the citizens of Sheboygan. COMMITTEE OF THE WHOLE
- 10 - 34 - By the City Clerk submitting a communication from Patrick Gillette against the Mayor stating that he committed acts of disorderly and misconduct while in his official capacity and his private affairs. COMMITTEE OF THE WHOLE
- 10 - 35 - By the City Clerk submitting a communication from Deborah Jelenc stating that he needs to be removed from the office of Mayor of Sheboygan. COMMITTEE OF THE WHOLE
- 10 - 36 - By the City Clerk submitting a communication from Milt Storm expressing his displeasure with Council President Rindfleisch, the Sheboygan Press articles and some alderpersons asking the mayor to resign. COMMITTEE OF THE WHOLE
- 10 - 37 - By the City Clerk submitting a claim from Debbie Chapman for alleged damages to her vehicle when a City vehicle backed up in front of her van. SPECIAL COMMITTEE ON RISK MANAGEMENT
- 10 - 38 - By the City Clerk submitting a communication from Matthew Parmley requesting a waiver to the Sex Offender Residency restrictions in order to live at 1622 N. 7th St. PUBLIC PROTECTION AND SAFETY

- 10 - 39 - By the City Clerk submitting a communication from Phillip Lopez Sr. requesting a waiver to the Sex Offender Residency restrictions in order to live at 926 Erie Ave. PUBLIC PROTECTION AND SAFETY
- 10 - 40 - By the City Clerk submitting a communication from the State of Wis. Dept. of Corrections requesting a waiver to the Sex Offender Residency restrictions for Eric Bogenstengel to be placed in a TLP at either 910A Michigan Ave., 1123/25 N. 14th St. depending upon availability. PUBLIC PROTECTION AND SAFETY
- 10 - 41 - By the City Clerk submitting a communication from the Office of the Sheb. Cty Sheriff along with a final draft of an addendum to the Intergovernmental Cooperative Agreement (ICA) for the allocation of costs for ongoing Spillman CAD/RMS maintenance. FINANCE and PUBLIC PROTECTION AND SAFETY
- 10 - 42 - By the City Clerk submitting a memo from the City Atty. regarding the Complaints for Removal filed as of Monday, August 8, 2011. COMMITTEE OF THE WHOLE
- 10 - 43 - By the Development Manager submitting a Building Inspection Housing Inspection Activity Report for year ending 2010. PUBLIC PROTECTION AND SAFETY
- 10 - 44 - By the Development Manager submitting a Building Inspection Housing Inspection Activity Report for year ending 2011. PUBLIC PROTECTION AND SAFETY

RESOLUTIONS INTRODUCED III

- 10 - 45 - By Ald. Bohren authorizing entering into Amendment No. 1 to Agreement for Public Improvements in Stonebrook Crossing Subdivision, City of Sheboygan, Wisconsin.
- 10 - 46 - By Ald. VanderWeele authorizing the City Atty. to engage the services of special outside legal counsel to represent the Law & Licensing Committee and Common Council with regard to a quasi-judicial hearing regarding the suspension/revocation of Beverage Operator's License #9130 (Mike Grunow), and authorizing payment for said services.

- 10 - 47 - By Ald. Rindfleisch and Bohren authorizing a transfer of appropriations in the 2011 Budget (establishing appropriation for outside legal counsel).
- 10 - 48 - By Ald. Roeseler, Kittelson, Dekker and Sampson lifting the hiring freeze in order to hire one (1) Police Officer in the Police Dept.
- 10 - 49 - By Ald. Roeseler, Kittelson, Dekker and Sampson waiving the residency requirement in order to hire one (1) Planning Intern (seasonal help) in the City Development Dept., less than twenty (20) hours per week for approximately six (6) months.

To Be Referred:

- 10 - 50 - By Ald. Hammond authorizing entering into an Intergovernmental Cooperation Agreement with the Village of Kohler for IT services. FINANCE
- 10 - 51 - By Ald. Heidemann establishing a policy prohibiting use of personal cell phones by City employees while operating City vehicles. SALARIES AND GRIEVANCES
- 10 - 52 - By Ald. Kittelson accepting a donation for, and naming the Fire Department's Survive Alive House. PUBLIC PROTECTION AND SAFETY

REPORTS OF COMMITTEES VII

- 10 - 53 - By Salaries and Grievances who met and discussed the Grievances and Appeals Procedure and recommends adopting the City of Sheboygan Grievances and Appeals Procedure.
- 10 - 54 - By Finance recommending accepting and adopting the draft Compensation Program for Non-Represented Employees.
- 10 - 55 - By Law and Licensing recommending denying Beverage Operator's License application #9177 based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity and his failure to cooperate with the committee.

- 10 - 56 - By Law and Licensing recommending denying Taxicab Driver's License application #8544 based upon his failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his failure to cooperate with the committee.
- 10 - 57 - By Law and Licensing recommending denying Beverage Operator's License application #9181 based upon her criminal record which makes her ineligible to hold the license, as well as her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity.
- 10 - 58 - By Pub. Prot. & Safety recommending filing Gen. Ord. No. 21-11-12 by Ald. Van Akkeren, Heideman and Dekker repealing and recreating sections in the Municipal Code so as to require the full Common Council to approve an appeal to the 2,000' requirements of the Sex Offender Residency restrictions if such appeal has been recommended for approval by the Public Protection and Safety Committee.
- 10 - 59 - By Com. of the Whole who met and discussed preliminary consideration of complaints for removal of the Mayor filed to date with the City Clerk, procedure in the event of formal removal process and funding and hiring of special counsel and recommends to the Common Council to proceed with the formal removal process; to have the appropriate leadership interview and hire up to two (2) attorneys and to draft a resolution for a transfer from the unreserved fund balance to Council/Legal Services with no cap on the amount with the caveat that outside counsel notifies the Common Council when legal fees are at \$40,000.
- To Be Referred:
- 10 - 60 - By Com. of the Whole recommending reference of Res. No. 42-11-12 by Ald. Bohren, Carlson, Sampson and Versey requesting that the Fire Chief draft a long range plan for the City of Sheboygan Fire Department by the second Common Council meeting of August, 2011. STRATEGIC FISCAL PLANNING COMMITTEE

ORDINANCE INTRODUCED X

Lies Over:

- 10 - 61 - By Ald. Roeseler, Kittelson, Dekker and Sampson amending the Municipal Code so as to delete the current Director of Human Resources & Labor Relations and create the job description of Manger of Human Resources in the Human Resources Dept. for the City of Sheboygan.

MATTERS LAID OVER XI

- 9 - 25 - Res. No. 49-11-12 by Ald. Kittelson authorizing the approval of a Memorandum of Understanding between the City of Sheboygan and the U.S. Dept. of Interior-Bureau of Land Management related to access to "Wildwood Islands" upstream of Kiwanis Park.

OTHER MATTERS AUTHORIZED BY LAW

- 10 - 62 - A Res. by Ald. Roeseler and Versey declaring intent to exercise the police power to levy special assessments for water main installation in Eisner Ave. from 150' east of Huberts Circle to Lake Shore Rd.
- 10 - 63 - An R. O. by the City Clerk submitting a communication from Jessie Duplechain Sr. requesting a waiver from the Sex Offender Residency restrictions in order to live at 2517 Camelot Blvd. Apt. A. PUBLIC PROTECTION AND SAFETY
- 10 - 64 - An R. O. by the City Clerk submitting a communication from Thomas A. Bowers filing charges against the Mayor of the City of Sheboygan. COMMITTEE OF THE WHOLE

ADJOURN

SUSAN RICHARDS
City Clerk

SCR

Persons with disabilities who need accommodations to attend the meeting should contact the City Clerk's Office, at 828 Center Ave., Susan Richards, at 459-3361, as soon as possible.

In compliance with Wisconsin Open Meeting Laws,
the agenda has been posted in the following locations:
City Hall, 1st floor
Sheb. County Admin. Bldg.
Mead Public Library
City's website